



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

PRS: 28

EFFECTIVE
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ORIGINAL
ISSUED ON:
04/24/2007

REVISION NO:

3

SUBJECT: VICTIM / WITNESS ASSISTANCE

1.0 PURPOSE

The purpose of this policy is to emphasize the needs of victims of crime and non-criminal incidents and the responsibilities of officers to provide support, information, and guidance for these individuals. Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have an immediate and a long-term impact on their emotional recovery. Also, victims who feel they were treated with understanding and concern for their hardship and suffering more frequently become enthusiastic about cooperating with the investigation and assisting in the prosecution.

2.0 POLICY

It is the policy of the Department of Public Safety to enhance the response to, and treatment of, victims and survivors of crime and non-criminal crisis situations by providing the assistance, services, and referrals for services necessary to speed their physical and emotional recovery, and to support and aid them as they continue to interact with the criminal justice system.

District commanders are encouraged to establish positive working relationships with their local agencies which provide victim/witness assistance in order to facilitate information sharing and to streamline the process of providing assistance.


3.0 APPLICABILITY

This policy applies to all commissioned employees of the Department of Public Safety.

4.0 REFERENCES

- A. Family Violence Protection Act 40-13-1 to 40-8 NMSA 1978
- B. Victims of Crime Act 31-26-1 to 31-26-14 NMSA 1978
- C. CALEA Chapter 55 - Victim/Witness Assistance

5.0 DEFINITIONS

- A. **District** – The New Mexico State Police uniform district
- B. **DPS** – Department of Public Safety
-  C. **Family Liaison Officer** – An officer of the Department who may be chosen by the Chief, Chief's designee, or by the affected family to assist and facilitate matters related to a mass casualty incident.
- D. **Family Violence Protection Act** – As defined in § 40-13-1 to 40-13-10, NMSA 1978.
- E. **Victims of Crime Act** – As defined in § 31-26-1 to 31-26-14, NMSA 1978.

6.0 PROCEDURE

A. Agency Role In Victim/Witness Assistance

1. The Department of Public Safety (DPS) shall cooperate fully with outside agencies, both governmental and private, in order to ensure that the implementation and delivery of agency referrals to victim/witness programs are based on the most up-to-date information and practices. The DPS shall maintain ongoing communication with these organizations to effectively work together in order to provide and receive suggestions for improving the manner in which victim/witness services are provided.
2. The DPS shall make every effort to maintain the confidentiality of victims/witnesses and their role in case development to the extent possible, as allowed by law.
3. Each District Commander shall submit bi-annual correspondence to the Office of the Chief documenting the district's efforts to inform the public and the media about the agency's victim/witness assistance services and the status of the relationship between the agency and other victim/witness agencies and organizations.

B. Victim/Witness Services to Be Provided During the Preliminary Investigation

1. Initial Response
 - a. Officers are responsible for securing the crime or incident scene to protect lives and ensure safety.
 - b. Officers shall render emergency aid to individuals who have suffered physical injuries and shall, as soon as possible, summon any necessary medical assistance.
 - c. Where physical injuries are not apparent, victims shall be asked if they are injured and whether medical attention is required. Strangulation and other types of injuries are often not immediately apparent and further investigation may be required.
 - d. In order to reduce anxiety and confusion, victims at the scene should be informed as soon as appropriate that they are no longer in immediate danger.
 - e. Officers shall provide information and keep victims informed of police actions and requirements.
 - f. Recognizing that victims often suffer physical and emotional shock, whenever possible, police officers should not leave a distraught victim alone. Arrangements should be made to have a relative, friend, family member, advocate, or clergy person join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member, or a service on the district's Victim Crime Resource List.
 - g. The DPS shall provide appropriate assistance to a victim/witness who has been threatened or has presented specific credible reasons for fearing continued intimidation or other criminal activity. The level of agency response should be consistent with the perceived threat. Should the victim/witness request assistance that is outside the agency's jurisdiction, attempts should be

made to provide the information to the agency with jurisdiction or to put the victim/witness in contact with the other agency.

2. In order to calm and assist the victim in regaining composure, officers shall:

- a. Allow the victim a reasonable period of time in which to express feelings and emotions away from and out of the sight and hearing of the suspect, while describing what happened during the incident.
- b. Provide the victim with the written statement, "If within thirty days you are not notified of an arrest in your case, you may call to obtain information on the status of your case, in addition to the report number, the officer's name, the departmental telephone number, and the district attorney's name."
- c. Provide privacy, if possible, and encouragement.
- d. Express empathy for the victim and recognition and understanding of emotional reactions.
- e. Provide reassurance that the victim's feelings are normal and understandable.
- f. Not be overly judgmental of the victim's feelings and emotions, or the apparent lack thereof, or of the victim's judgments or actions related to the incident.
- g. Help redirect any self-blame and responsibility for the criminal act from the victim to the perpetrator.
- h. Emphasize a commitment to the investigation and that of the Department to assist and work with the victim.

3. Information and Referral

Prior to leaving the scene, officers shall take steps necessary to meet victim's needs for support and information. These shall include, but not be limited to:

- a. Providing a brief overview of what actions will be taken shortly thereafter, and answering such questions as: "Will a criminal agent contact the victim?" "Will evidence technicians be used at the scene?" "Will lineups or show-ups be held?" "What other law enforcement actions will be taken?"
- b. Providing information to the victim/witness about applicable services, i.e., medical, counseling, victim advocacy, etc.
- c. Providing information on victim services available twenty-four (24) hours a day in the community; providing information on obtaining orders of protection, and information on victim compensation by taking the following steps:
 - i. Each officer will ensure that the victim's card will have the District Attorney's and victim advocacy contact information by filling in the blanks on the card that is pertinent to the investigation.
 - ii. Each officer will ensure that the victim is given the Crime Victims Reparation Commission victim advocacy brochure, which is posted on the DPS Insider intranet web page.

Clarification Added

- d. Upon request, providing or arranging for transportation to a safe place or to obtain medical attention, if needed.
 - e. Providing the victim/witness information about the case number (if known) and how to contact the agency and what actions can be taken should the suspect or any associates continue to threaten, harass, or intimidate the victim/witness.
 - f. Provide the victim/witness a telephone number to the appropriate departmental telecommunications center that they may call to report additional information about the case or inquire about the status of the case. The Department shall provide the telephone number for the appropriate District Attorney's office for purposes of inquiring about the status of the case, once the case has been referred for prosecution.
 - g. Investigating officers/agents are responsible for ensuring notification of next-of-kin of deceased, seriously ill, or injured persons.
 - i. Notifications shall be carried out promptly and in a considerate manner.
 - ii. Whenever possible, assistance should be obtained from the clergy, relative, or close friend.
 - iii. Notifications on behalf of another agency shall require a written request, i.e., teletype, containing the relevant information.
 - h. Providing the victim with warnings of the release of the suspect from incarceration, when possible, and consistent with state law.
4. Each district commander shall ensure the following information is available in the telecommunications center twenty-four (24) hours a day:
- a. Information regarding victim/witness assistance supplied by DPS.
 - b. Referral information regarding victim/witness services available through other agencies with the district's jurisdiction.
 - c. A current Crime Victim Resource List. This list shall also be posted on the DPS Insider.

C. Victim/Witness Services to Be Provided During the Follow-up Investigation

Lack of information about case status is one of the greatest sources of dissatisfaction among victims of crime and victims' survivors. An officer assigned to a criminal investigation case shall make routine victim callbacks no matter the severity of the crime. The investigating officer shall make this contact to determine whether the victim has new information concerning the case, to ascertain whether the victim/witness's needs are being met, and to determine if the crime has triggered the need for assistance from outside sources or the Department. The investigating officer shall in addition relay information relating to the investigation including, but not limited to:

- 1. The status of stolen, recovered, or removed property.
- 2. The officer responsible for the investigation at the time the suspect is arrested

Clarification
Added

→ shall notify the victim/witness of the arrest, charges, custody status, and other information relating to the arrest.

3. Specifically, in cases involving violations of the Family Violence Protection Act victims will be notified of the suspects release from a detention facility pursuant to *PRS: 30 Domestic Violence* and New Mexico Statute 40-13-7.
4. The victim's possible eligibility for victim compensation.
5. Court restraining orders.
6. A description of pertinent departmental operations and the criminal justice system.
7. Ensure written referral information to community services have been or are provided.
8. Reiterate to victim their right to make a victim impact statement, if they have not already done so.
9. Explain the role of the victim/witness in the prosecution of the case and how important their participation is to the outcome of the case.
10. Schedule any further investigative steps, e.g., lineups, interviews, etc., at the convenience of the victim/witness and provide transportation, if necessary.
11. Special attention shall be given to child victims/witnesses to reduce trauma, anxiety, and confusion. When appropriate, services and referrals should be sought for child witnesses as well.
12. Investigating officers and/or agents shall make every attempt to promptly return items and/or belongings seized during the investigation to victims/witnesses. The return of these items shall be in accordance with Department policy and state law. Those items/belongings necessary for criminal prosecution shall be maintained in accordance with Department policy and state law.
13. Investigating officers are encouraged to work closely with the District Attorney's office, as well as other agencies and non-profit organizations that have the ability to assign advocates, to provide necessary assistance to victims/witnesses.

→ D. Mass Casualties

In the event of a mass casualty situation, the Department of Public Safety will take every step possible to aid the victims and/or witnesses associated with the incident.

1. Following a mass casualty incident, Family Liaison Officers will be assigned to families whose relatives have been killed, seriously injured, or are missing.
2. Once assigned, Family Liaison Officers are under the direct guidance of the POST Team Commander.
3. Each Family Liaison Officer shall:
 - a. Assist the family with their basic needs, such as:
 - i. Ensuring a single family member is not left alone.
 - ii. Making arrangements for accommodations, if necessary.

Added

- iii. Ensuring welfare of children and pets.
 - iv. Transportation.
 - v. Media relations.
 - vi. Emotional support.
 - vii. Food.
 - viii. Cultural needs.
 - b. Gather accurate information and explain the investigative process as much as possible to the family, without hindering the investigation.
 - c. Facilitate access to psychological services.
 - d. Remain available to the family.
 - e. Give due consideration to particular long term events such as memorial services and/or anniversaries in a show of support to the family.
4. If Criminal proceedings are pending, the Family Liaison Officer shall:
- a. Update the family on trial proceedings.
 - b. Use Victim's Assistance personnel to assist.
 - c. Encourage family to attend the trial, if appropriate.
 - d. Notify family of any plea agreements.
 - e. Accompany family at all proceedings, if appropriate.

E. Review

1. The Office of the Chief shall assign a person or persons to complete a documented review of victim/witness assistance needs and available services within the agency's service area at least once every three (3) years.
2. The person(s) tasked with this review shall complete a report describing his/her/their findings and forward it to the State Police Chief no later than thirty (30) days from the completion of the review.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: _____ s/Gorden E. Eden Jr. **DATE:** 07/17/2013
DPS Cabinet Secretary